

LEGAL NOTICE
OF PUBLIC HEARING
TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board to consider the promulgation of amendments to the Tennessee Air Pollution Control Regulations, the Title V Program and the State Implementation Plan pursuant to Tennessee Code Annotated, Section 68-201-105. The comments received at this hearing will be presented to the Tennessee Air Pollution Control Board for their consideration in regards to the proposed regulatory amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-201 et seq. and will take place in the 9th Floor Conference Room of the L & C Annex, located at 401 Church Street, Nashville, Tennessee 37243-1531, at 9:30 a.m. on Monday, August 25, 2008. Anyone desiring to make oral comments at this public hearing is requested to prepare a written copy of their comments to be submitted to the hearing officer at the public hearing.

Written comments not submitted at the public hearing will be included in the hearing record only if received by the close of business on Monday, August 25, 2008, at the following address: Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to Monday, August 25, 2008, or the date such party intends to review such filings, to allow time to provide such aid or service. Contact Mr. John Rae White, Tennessee Department of Environment and Conservation ADA Coordinator, 12th Floor, 401 Church Street, Nashville TN 37243, (615) 532-0207. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of these rule changes, you may contact the following personnel at (615)-532-0554. Mr. Jeryl Stewart for summary change No. 1., Ms. Elizabeth Peeler for summary change Nos. 2, 3 and 4., Mr. Jabari Martin for summary change No. 5. and Mr. Malcolm Butler for summary change No. 6. Copies of documents concerning this matter are available for review at the office of the Technical Secretary and at certain public depositories. For information about reviewing these documents, please contact Mr. Malcolm Butler, 9th Floor, L & C Annex, 401 Church Street, Nashville, TN 37243-1531, telephone (615) 532-0600.

Summary of Proposed Changes

The Tennessee Air Pollution Control Regulations are proposed to be amended by revising the following:

1. [Part 1. of subparagraph \(b\) of paragraph \(6\) of rule 1200-3-14-.01](#) General Provisions is amended by deleting the part in its entirety and replacing it with the word "Reserved" so that, as amended, Part 1. shall read: 1. Reserved. This action gives the Technical Secretary of the Tennessee Air Pollution Control Board more flexibility in allowing companies to discontinue ambient air monitoring for sulfur dioxide in situations where the measured values are very low in relation to the national ambient air quality standards.
2. [Rule 1200-3-14-.04 CAIR SO₂ Annual Trading Program](#). The regulation for bio-mass fired cogeneration plants in accordance with Federal changes to 40 CFR §96.202.
3. [Rule 1200-3-27-.10 CAIR NO_x Annual Trading Program](#). The regulation for bio-mass fired cogeneration plants in accordance with Federal changes to the CAIR NO_x Ozone Season Trading.
4. [Rule 1200-3-27-.11 CAIR NO_x Ozone Season Trading Program](#) is proposed to be amended by revising the regulations for bio-mass fired cogeneration plants in accordance with Federal changes to 40 CFR §96.102.

5. [Rule 1200-3-18-.32 Cutback and Emulsified Asphalt is being amended.](#) The amendment will allow emulsified asphalt with 3 percent volatile organic compounds (VOC) to be emitted.
6. [Paragraph \(7\) of rule 1200-3-26-.02 Construction and Annual Emission Fees](#) is amended by adding a new subparagraph (e), so that, as amended, the new subparagraph (e) shall read: When a fee overpayment has been made as a result of an error by the source, an owner or operator may seek a credit or refund for such fee overpayment within One year from the date on which the Division of Air Pollution Control received payment of the fee.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under T.C.A. 68-201-105, the Board general authority to promulgate rules.

Materials concerning the proposed additions and/or revisions will be available for public inspection during normal working hours starting July 21, 2008, at the following locations:

Air Pollution Control Division 9th Floor, L & C Annex 401 Church Street Nashville, TN 37243	Chattanooga – Hamilton County Air Pollution Control Bureau 6125 Preservation Drive Chattanooga, TN 37416	Air Pollution Control Division Cookeville EFO 1221 South Willow Ave. Cookeville, TN 38506
Air Pollution Control Division Knoxville EFO 3711 Middlebrook Pk Knoxville, TN 37921	Air Pollution Control Division Johnson City EFO 2305 Silverdale Road Johnson City, TN 37601 - 2162	Air Pollution Control Division Jackson EFO 362 Carriage House Drive Jackson, TN 38305 - 2222
Air Pollution Control Division Columbia EFO 2484 Park Plus Drive Columbia, TN 38401	Knox County Department of Air Pollution Control 140 Dameron Avenue Knoxville, TN 37917-6413	Division Air Pollution Control Memphis - Shelby Co. Health Dept. 814 Jefferson Avenue Memphis, TN 38105
Air Pollution Control Division Chattanooga EFO Suite 550 540 McCallie Ave. Chattanooga, TN 37402 - 2013	Pollution Control Division Metropolitan Health Department 311 23rd Ave. North Nashville, TN 37203	U.S. EPA, Region IV APTMD - 12th Floor Atlanta Federal Center 61 Forsyth Street S.W. Atlanta, Georgia 30303 c/o Mr. Dick Schutt, Chief
Air Pollution Control Division Nashville EFO 711 R. S. Gass Blvd. Nashville, TN 37243	Kingsport Public Library 400 Broad Street Kingsport, TN 37660	

All persons interested in the air quality of the State of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the proposed amendments. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 p.m. CDT on Monday, August 25, 2008, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee, 37243-1531.